

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LKQ CORPORATION

v.

CHRISTOPHER SHIPMAN

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Civil Action No. 22 CV 003691

**Hon. Nancy L. Maldonado
U.S. District Judge**

**DEFENDANT CHRISTOPHER SHIPMAN’S EMERGENY MOTION FOR EXTENSION
OF TIME TO LEAVE TO FILE HIS MOTION TO DISMISS**

NOW COMES Defendant Christopher Shipman (“Shipman”), by his counsel, James A. McGurk, and respectfully moves for entry of an order granting Defendant an extension of time to Monday, December 5, 2022 to file Defendant’s Motion to Dismiss the Complaint. In addition, the Defendant seeks leave to file the Supplemental Declaration of Shipman’s in Support of his Motion for Change of Venue which is attached as Exhibit A.

In support of this motion, Defendant Shipman states as follows:

1. Defendant Shipman was named in a complaint filed in this court by Plaintiff LKQ Corporation, a former employer of Shipman. The Complaint was filed on July 15, 2022 (Doc. 1).
2. As set forth in the order entered by Court today, November 30, 2022, (Doc. 23), the Defendant had filed an additional copy of the Motion for Change of Venue on 11/29/2022. That filing was in response to the fact that the Defendant had filed a document which was another copy of the Motion for Leave to File his Motion for Change of Venue, which had been granted by the Court, instead of the separate copy of the Motion for Change of Venue as the Court had directed. The

Motion for Change of Venue was filed so that a separate copy of the Motion appeared on the docket as ordered by the Court.

3. As noted by the Court in the order of today's date, the Defendant Shipman was to file a reply in support of the Defendant's Motion for Change of Venue by November 21, 2022. (Doc. 23).

4. The Defendant's counsel had prepared a Supplemental Declaration signed by Defendant Christopher Shipman dated November 28, 2022 in support of the Motion for Change of Venue which Declaration is attached as Exhibit A to this motion.

5. The Defendant's counsel had difficulty reaching Defendant Shipman during the time period up to November 28, 2022 with a completed Supplemental Declaration because the Defendant resides in Oklahoma City, OK but works in Tulsa, OK during the work week. As described in his Declaration, the Defendant works at one of about 20 body shops in Tulsa, OK performing work on vehicles that are being repaired. The Defendant customarily stays in motels and in some weeks, in a trailer, Monday through Thursday in Tulsa, OK. That schedule makes it more difficult to reach the Defendant and to send documents to him because the Defendant works out of a service truck.

6. In addition, the Defendant's counsel was not able to file a motion for an extension of time to answer or otherwise plead during the time period from November 21, 2022 to the present because he was being treated for prostate cancer by his physician, Dr. Daniel Dalton of Northwestern Memorial Hospital. The Defendant's counsel was not able to go to his office.

7. The undersigned counsel conferred with his physician and is now able to go into his office. Defendant Shipman has valid grounds to attack the Complaint and the Defendant's counsel will be able to submit the Motion to Dismiss by Monday, December 5, 2022.

WHEREFORE, Defendant Christopher Shipman respectfully requests that the Court enter an order granting the Defendant leave to file the Defendant's Motion to Dismiss the Complaint on

December 5, 2022 and to permit the Defendant to file his Second Supplemental Declaration in Support of his Motion for Change of Venue *Instantly*.

Dated: November 30, 2022

/s/James A. McGurk
James A. McGurk

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CERTIFICATE OF SERVICE

I, James A. McGurk, an attorney, certify that I caused a copy of the foregoing document to be served by electronic filing upon:

Via Electronic Mail

James M. Hux, Jr., Esq.
Fisher & Phillips, LLP
10 South Wacker Drive
Suite 3450
Chicago, IL 60606

this 30th day of November, 2022

/s/James A. McGurk
James A. McGurk